

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MYRNA LACK

(List the name(s) of the plaintiff(s)/petitioner(s).)

20 Civ. 05394 (VLB) ()

- against -

AFFIDAVIT OF SERVICE

CAESARS ENTERTAINMENT CORPORATION, ET AL.

(List the name(s) of the defendant(s)/respondent(s).)

I, (print your name) LINDA POCCIA, declare under penalty of perjury that I served a copy of the attached (list the names of the documents you served):

EXHIBIT G - INCIDENT REPORT AND PHOTOGRAPHS

EXHIBIT H - SPOLLEN AFFIDAVIT AND SURVEILLANCE VIDEO

upon all other parties in this case by (state how you served the documents, for example, hand delivery, mail, overnight express) Regular First Class Mail to the

following persons (list the names and addresses of the people you served):

Robert Genis, Esq., Sonin & Genis, LLC, One Fordham Plaza, Suite 907, Bronx, New York 10458

on (date you served the document(s)) January 13, 2023.

January 17, 2023

Dated

Sworn to before me this

17th day of January 2023

Kristin P. Todaro

Notary Public

KRISTIN P. TODARO
Notary Public, State of New York
No. 01106171350
Qualified in Westchester County
Commission Expires 7/23/23

Linda Poccia

Signature

Fullerton Beck, LLP

Address

4 West Red Oak Lane, Suite 203

City, State

White Plains, New York 10604

Zip

(914) 305-8634

Telephone Number

lpoccia@fullertonbeck.com

E-Mail Address



ANGELO M. BIANCO
ABianco@fullertonbeck.com
Direct Dial: (914) 305-8658

January 13, 2023

Robert Genis, Esq.
Sonin & Genis, LLC
One Fordham Plaza, Suite 907
Bronx, New York 10458

Re: Lack v. Caesar's Entertainment Corporation, et al
7:20-cv-05394-VB

Dear Mr. Genis:

As you know, our office represents Defendant, Caesar's Entertainment Corporation, in the above captioned litigation. This cover letter is being sent in conjunction Defendants' Summary Judgment motion which has been filed in the above-referenced matter.

Enclosed herein, please find Exhibit "G" to the motion, which is the Incident Report and Photographs concerning the subject incident.

Enclosed, you will also find a memory stick which contains the surveillance footage referenced as part of Exhibit "H".

Thank you for your attention to this matter. Please let me know if you need anything further.

Regards,



Angelo M. Bianco

Enclosures

EXHIBIT G

Incident Report and Photographs

Incident Report and Photographs will be filed in hard copy with the Court.

Incident Report and Photographs will be served in hard copy on all parties in this action with proof of service filed electronically.

Incident File Full Report

Incident File #IN20190016768

Date/Time Occurred: 10/27/2019 4:15 PM		Record Creation Details	
Day of Week Occurred: Sunday		Department:	Security
Date/Time Created: 10/27/2019 4:43 PM		Owner:	plazarus
Date/Time Closed:		Operator ID:	
Closed By:		Operator Name:	
		Personnel ID:	
		Card Number:	
		Job Position:	
		Secondary Operator:	

Location of Incident:

Property: Harrahs Atlantic City

Location: 06 Gaming Floor - Pits

Sublocation: Pit 5

Details of Incident:

Daily Log #: DL20190244451

Incident Category: MEDICAL

Incident Type: Guest / Patron

Incident Sub-Type: Slip/Fall

Incident Status: Open

Synopsis: A guest was observed slip/falling in front of pit 5, S/SP Hersh responded.

Checklist:

1620 hours: EMS notified to respond to old post 11 for 89yo female

1627 hours: EMS on property

1632 hours: EMS off property with guest & friend

- Ambulance Offered And Accepted
- CC-TV FOOTAGE SAVED
- CCTV Notified
- First Aid Offered And Declined
- INCIDENT READY FOR REVIEW BY MGR/DIR
- PATRON IDENTIFICATION
- PHOTOGRAPHS TAKEN
- Security Notified
- STATEMENT TAKEN

Narrative:

Created On	Created By	Modified On	Modified By
10/27/2019 4:44 PM	thersh	10/27/2019 5:47 PM	thersh

On Sunday, October 27, 2019 at approximately 1619 hours a guest was observed falling in front of table #522. S/SP Hersh responded.

Upon arrival guest Myrna LACK (2-3250104) reported that she slipped and fell while she was walking. LACK reported her left hip and left leg were in pain. S/O Bhatti assisted

Reporting Party:

Supervisor:

Incident File Full Report**Incident File #IN20190016768**

LACK from the ground after she fell. S/O Bhatti completed a Witness Statement. LACK declined to complete a Witness Statement at this time due to being in too much pain. S/SP Hersh advised LACK she can complete a Witness Statement when LACK returns to property.

First Aid was offered and declined. EMS was offered and accepted. EMS arrived on property at approximately 1627 hours. LACK departed with EMS to ACRMC to be further evaluated.

S/SP Hersh conducted a scene check of the area where LACK fell. S/SP Hersh reported no liquid, debris, or defects at the following area. Pictures of the area where LACK fell are in the Media Section of the report.

Surveillance advised coverage of this incident is saved under IR#3964-19.

Executive Brief:

Guest Myrna LACK slipped and fell in front of table #522. LACK reported that she felt pain on her left hip and left leg. First Aid was offered and declined. EMS was offered and accepted. LACK departed property with EMS to ACRMC.

Participants Involved:**Personnel**

Full Name:	Bhatti, Shoukat	Property:	Harrahs Atlantic City
Role:	Security Officer	Department:	
Full Name:	Hersh, Tyler	Property:	Harrahs Atlantic City
Role:	Security Specialist, Report Writer	Department:	

Subject

Full Name:	Lack, Myrna	Company:	
Role:	Injured		

Supplemental Entries:

SP20190002029 Attached by thersh on Oct 27, 2019 20:29

Description	M/R Contreras picked up LACK's friend Maxine JANOWITZ from ACRMC, so JANOWITZ can retrieve LACK's property from her room. LACK is being transported to another hospital at this time.
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Reporting Party:**Supervisor:**

Incident File Full Report

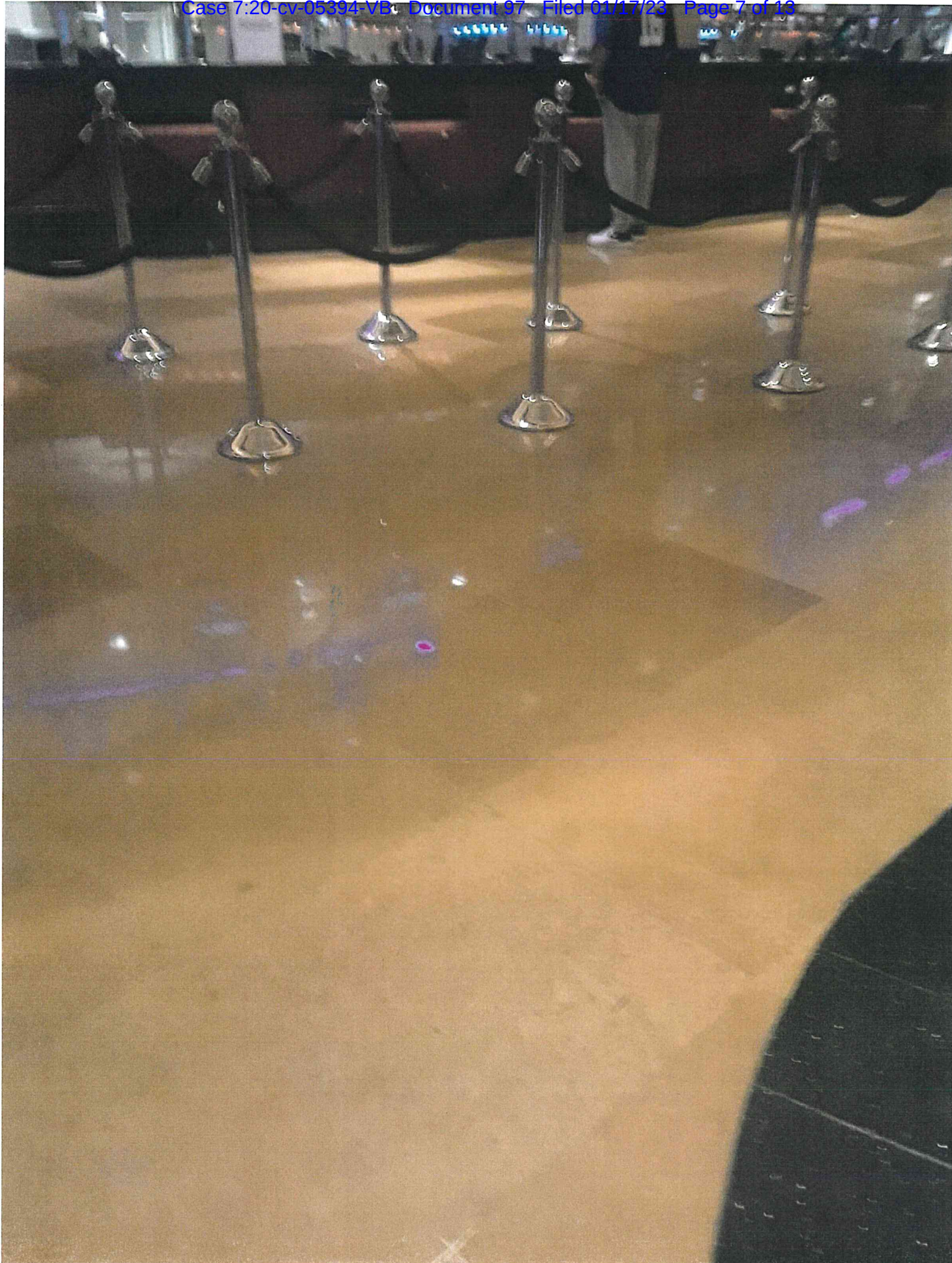
Incident File #IN20190016768

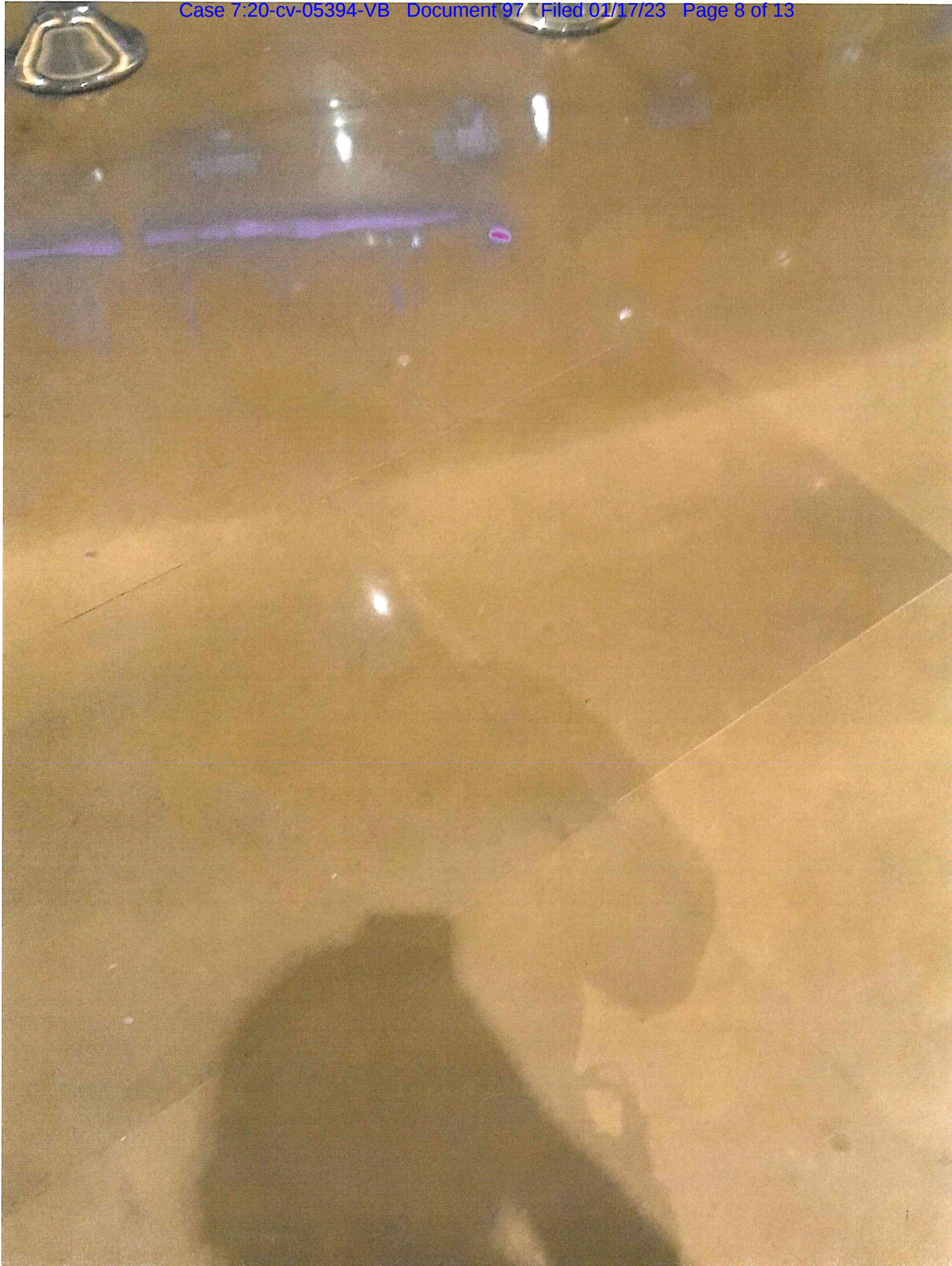
List of Attached Forms:

Prefix	Form Name
A	Media Attachments

Reporting Party:

Supervisor:





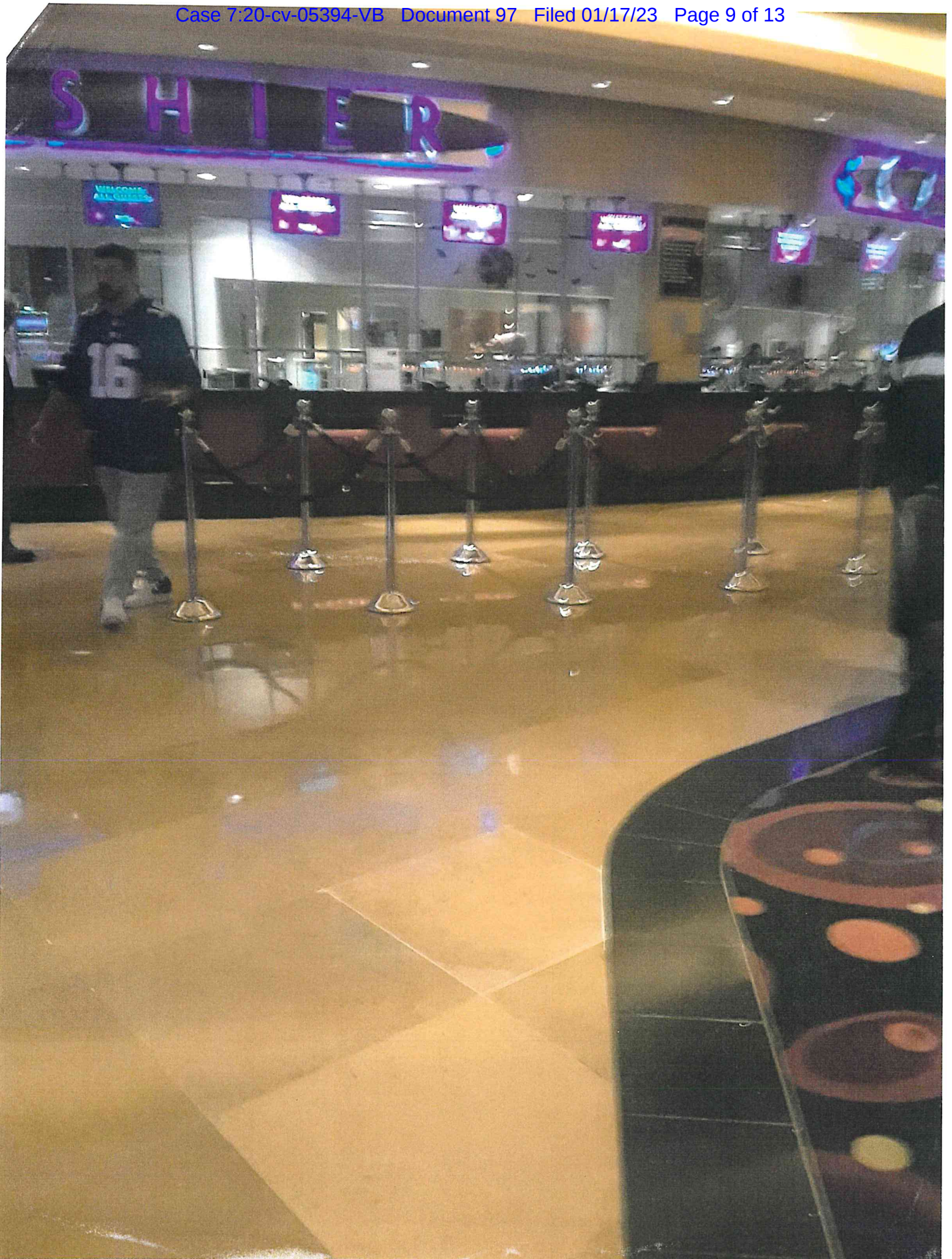


EXHIBIT H

Spollen Affidavit in Support of Surveillance Video

Surveillance Video will be filed in hard copy with the Court.

Surveillance Video will be served in hard copy on all parties in this action with proof of service filed electronically.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MYRNA LACK,

Case No.: 20-cv-05394

Plaintiff,

-against-

AFFIDAVIT

CAESARS ENTERTAINMENT CORPORATION,
HARRAH'S ATLANTIC CITY, LLC, HARRAH'S
ATLANTIC CITY OPERATING COMPANY, LLC,
HARRAH'S ATLANTIC CITY PROPCO, LLC, and
HARRAH'S BOSSIER CITY INVESTMENT
COMPANY, LLC,

Defendants.
-----X

JOHN SPOLLEN, being duly sworn, deposes and says:

1. I am over the age of 18.
2. I have been a Surveillance Shift Supervisor at Harrah's Hotel and Casino located at 777 Harrah's Boulevard, Atlantic City, New Jersey 08401 (hereinafter, "the premises") since 2000. From 1998 to 2000, I was a surveillance officer, and I am familiar with the surveillance practices at the premises. I am responsible for ensuring the surveillance equipment is in working order, looking out for the safety of employees and guests, liaising between other departments, and ensuring regulatory compliance with the Division of Gaming Enforcement (DGE).
3. The premises has between 1,500 and 2,000 cameras which are monitored by a rotating team of five Surveillance Officers.
4. All video surveillance footage from the cameras at the premises is recorded and stored on a computer hard drive at the premises for seven days. After seven days, only surveillance footage from one hour before and one hour after an incident are saved.

5. October 27, 2019, Camera 545 was facing the area where Ms. Lack fell. At 16:13, the camera captured video footage of Ms. Lack's fall.

6. Surveillance footage from one hour before and one hour after Ms. Lack's fall are available and maintained by the Defendants in the ordinary course of business.

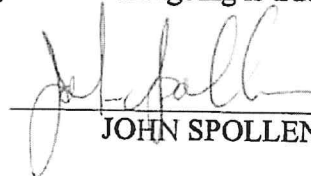
7. The footage maintained by the Defendants is a true and accurate depiction of the incident that occurred on October 27, 2019 at approximately 16:13, at the premises. This footage has not been altered, edited, or enhanced.

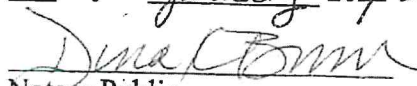
8. The surveillance footage annexed to Defendants' motion for summary judgment has been maintained in the ordinary course of Defendant's business and has been provided to Fullerton Beck, LLP, as attorneys for the Defendants, for the purposes of this litigation.

9. I have reviewed the surveillance footage annexed to Defendant's motion for summary judgment and compared said footage to that maintained by the Defendants in the ordinary course of business.

10. I declare under penalty of perjury under the laws of the United States of America and the State of New York and New Jersey that the surveillance footage annexed to Defendant's motion is a true and accurate copy of the footage obtained on October 27, 2019, depicting Ms. Lack's accident, and that it has not been altered, edited, or enhanced.

11. I further declare under penalty of perjury under the laws of the United States of America and the State of New York and New Jersey that the foregoing is true and correct.


JOHN SPOLLEN

Sworn to before me this
4th day of January 2023

Notary Public

